

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 96-10252-RWZ

JOHN BARTOLOMEO

v.

UNITED STATES OF AMERICA

MEMORANDUM OF DECISION AND ORDER

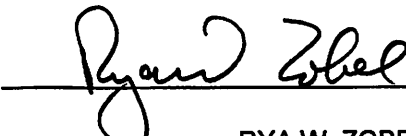
August 27, 2018

ZOBEL, S.D.J.

The judgment issued on June 12, 2018, is amended to add the following:

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, I grant a certificate of appealability ("COA") because Bartolomeo made a substantial showing of the denial of a constitutional right, as required by 28 U.S.C. § 2253(c)(2). "When [a] district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). Bartolomeo has made this showing.

August 27, 2018  
DATE

  
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RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE